

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ALLAN FLETCHER,

Plaintiff,

v.

CLENDENIN, *et al.*,

Defendants.

Case No. 1:22-cv-00249-AWI-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
DISMISSAL OF CERTAIN CLAIMS

(ECF No. 13)

Plaintiff Allan Fletcher (“Plaintiff”) is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. Individuals detained pursuant to California Welfare and Institutions Code § 6600 *et seq.* are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. *Page v. Torrey*, 201 F.3d 1136, 1140 (9th Cir. 2000).

On July 15, 2022, the assigned Magistrate Judge issued findings and recommendations recommending that this action proceed on Plaintiff’s first amended complaint, filed April 25, 2022, (ECF No. 11), against Defendants Stephanie Clendenin, Director of Department of State Hospitals, and Brandon Price, Executive Director at DSH-Coalinga, for failure to treat Plaintiff under the Fourteenth Amendment Due Process clause due to their official policy. (ECF No. 13.) The Magistrate Judge further recommended that all other claims be dismissed from this action based on Plaintiff’s failure to state claims upon which relief may be granted. (*Id.*) The findings

1 and recommendations were served on Plaintiff and contained notice that any objections were to  
2 be filed within fourteen (14) days after service. (*Id.* at 10–11.) Following an extension of time,  
3 (ECF No. 15), no objections have been filed, and the extended deadline to do so has expired.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
5 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the  
6 findings and recommendations to be supported by the record and by proper analysis.

7 Accordingly, IT IS HEREBY ORDERED as follows:

- 8 1. The findings and recommendations issued on July 15, 2022, (ECF No. 13), are  
9 adopted in full;
- 10 2. This action shall proceed on Plaintiff's first amended complaint, filed April 25, 2022,  
11 (ECF No. 11), against Defendants Clendenin and Price for failure to treat Plaintiff, in  
12 violation of the Fourteenth Amendment Due Process clause, due to their official  
13 policy;
- 14 3. All other claims are dismissed from this action for failure to state a claim upon which  
15 relief may be granted; and
- 16 4. This action is referred back to the Magistrate Judge for proceedings consistent with  
17 this order.

18 IT IS SO ORDERED.

19 Dated: September 13, 2022

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21 SENIOR DISTRICT JUDGE  
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